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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,588	11/21/2000	Steven J. Kruy	777.339US1	8806

41505 7590 07/03/2006

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT PAPER NUMBER

2168

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,588

Applicant(s)

KRUY ET AL.

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-13, 16, 17, 33 and 36-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-13, 16, 17, 33 and 36-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 2, 4-13, 16, 17, 33 and 36-44 are pending in the present application.
2. Acknowledgement is made of Applicants election of Group I (claims 1, 2, 4-13, 16, 17, 33 and 36-44) in the response filed April 17, 2006. The non-elected claims 3, 14-15, 18-32, 34-35 and 45 have been cancelled.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 10-13, 33, 36-38 and 42-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of the claims are directed to an abstract idea and do not present a concrete useful tangible result. For example, the body of independent claim 10 recites, "receiving information regarding one or more query properties" and "transmitting the information received"; however the claim does not appear to recite steps for actually conducting a search. Independent claim 13 also does not appear to recite steps for conducting a search. Although independent claim 33 does recite limitation for conducting a search, the claim does not recite an output for displaying the results of the search. Claims 11, 12, 36-38 and 42-44 are rejected based on dependency.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 2, 4-6, 13, 16, 33, 36-38 and 42-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 1, the preamble recites “a method of operating a system including two or more search providers and a user interface”, however the preamble is vague as to what function is performed with respect to a method of operating the system. The body of the claim recites a search is conducted; therefore the examiner suggests the limitation “a method of operating a system to perform a search” in the preamble to clarify the function performed. The limitations of independent claims 13, 16 and 33 contain similar language in the preamble, and are therefore rejected under the same rationale. Claims 2, 4-6, 36-38 and 42-44 are rejected based on dependency.

7. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: conducting a search and display of the results.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1, 2, 4-13, 16, 17, 33 and 36-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. US Patent 6,507,856 B1.

Regarding claim 10, **Chen et al.** teaches a method of operating a system including two or more search providers and a user interface [note: abstract “system for exchanging and merging messages over a network includes a server accessible by a plurality of remote browsers for transmitting a template including fields for information entry”], the method comprising:

receiving information regarding one or more query properties from one or more of the search providers [note: Figure 7 note input elements 115 and 125; column 6 lines 5-17]; and

transmitting the information received to the user interface, wherein the information is entered into one or more input fields of the user interface [note: -Figure 7 element 145; column 3 line 65 through column 4 line 15].

10. Regarding claims 11 and 12:

(claim 11) "wherein receiving information regarding one or more query properties comprises receiving information regarding any one or more data object properties..." [note: col. 1 lines 53-62; col. 3 lines 49-56].

(claim 12) "wherein the information entered into the one or more input fields of the user interface is displayed in query window of the user interface prior to, and to facilitate, a user's entry of the query defining data into remaining, unpopulated input fields" [note: col. 1 lines 49-62; col. 6 lines 5-17].

11. Regarding claim 13:

(Claim 13) "receiving information regarding one or more query properties from one or more of the search providers [abstract "system for exchanging and merging messages over a network includes a server accessible by a plurality of remote browsers for transmitting a template including fields for information entry"]; and communicating a query to

one or more search providers [note: "second parser for receiving a return data type" col. 2 lines 8-14].

12. Regarding claims 36-38, "wherein query properties include query language features ...further including inquiring one or more search providers regarding query properties ...configuring and displaying the user interface [note: Chen teaches XML parser and DTD parser Figure 7; col. 4 lines 1-11].

13. Regarding claim 16 "transforming the parse tree representation" [note: col. 3 lines 35-67 DOM tree parsing; col. 4 lines 12-20 DTD parser transforms the DTD].

14. Regarding claim 17, receiving a signal indicating invocation of a search or find command; displaying a graphical user interface in response to receiving the signal ... displaying information received ...[note: program code col. 3 line 35 through col. 4 line 20; col. 5 lines 50-66].

15. Regarding claims 39-41, wherein query properties include query language features ... configuring the user interface [Figures 5 and 6; col. 6 line 50 through col. 7 line 5].

16. Regarding claims 7-9, "a graphical user interface having input fields ..." [Figure 7]; "means for parsing the query to define a first parse tree ... means for searching a

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database based on the second parse tree ..." [note: Figures 10A and 10B; col. 1 lines 49-62; col. 2 lines 5-14; col. 8 lines 59-64 first parser and second parser].

17. The limitations of claims 1, 2, 4-6, 33 and 42-44 have been addressed above except for the following: display populated and unpopulated [note: program code ability col. 3 line 35 through col. 4 line 48; and col. 5 lines 50-66].

Response to Arguments

18. Applicant's arguments with respect to claims 1, 2, 4-13, 16, 17, 33 and 36-44 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment and arguments are persuasive, however a new ground of rejection has been made under 35 USC 101, 35 USC 112 second and 35 USC 102(e) citing Chen et al..

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mills US Patent 6,466,940 B1

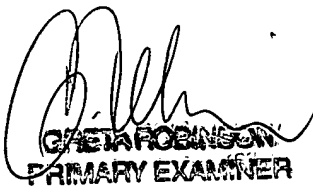
Neale et al. US Patent Application No. 2005/0192953 A1

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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



GRETAL ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
June 28, 2006